IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12002 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

KAPOORJI SADAJI PRAJAPTI 13-14, SECRETARY,

Versus

COMMISSIONER OF POLICE FOR AHMEDABAD CITY

Appearance:

1. Special Civil Application No. 12002 of 2003

MR DM AHUJA for Petitioner No. 1

NOTICE SERVED BY DS for Respondent No. 1

..... for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 15/09/2003

ORAL JUDGEMENT

Rule. Service of rule is waived by learned AGP

Shri S.R. Gori for the respondents. At the request of the learned advocates, the petition is finally heard today.

2. Heard learned advocate Shri Ahuja appearing for the petitioner and learned AGP Shri Gori for the respondent authorities.

3. The grievance of the petitioner is that the respondent authorities are not giving permission for holding an assembly and dharna without loudspeaker near Kachiya Patel Chhali, Behrampura.

4. Learned AGP Shri Gori, in pursuance of instructions given to him by Shri Solanki, Police Inspector, respondent No. 2 herein, who is personally present in the court, has submitted that if such a permission is granted, there are all chances that communal harmony in the area might be adversely affected.

5. It has been however submitted by learned AGP Shri Gori that if the petitioner Association gives an assurance to the effect that the members of the assembly shall not raise any slogans against government authorities and/or against any community, which might adversely affect communal harmony in the area, and shall also not use any banner containing any slogan either against the government authorities or against a particular community, then the application of the petitioner Association can be considered and decided in accordance with law.

6. Learned advocate Shri Ahuja appearing for the petitioner has submitted that the petitioner Association shall submit an application incorporating the above assurances to the concerned authority for having an assembly at the place referred to hereinabove.

7. I am sure that if such an assurance is given by the petitioner, the application submitted by the petitioner would be considered by respondent No. 1 in accordance with law.

8. In view of the above direction, learned advocate Shri Ahuja does not press for this petition. The petition stands disposed of accordingly.

Rule is discharged. D.S. permitted.

(A.R. Dave, J.)

(hn)